

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

This Filing Relates to:

All Actions

MDL No. 3047

Case Nos.: 4:22-md-03047-YGR-PHK

**JOINT LETTER BRIEF
REGARDING TIMELINE FOR
PRODUCTION OF QUIPS**

Judge: Hon. Yvonne Gonzalez Rogers
Magistrate Judge: Hon. Peter H. Kang

Dear Judge Kang:

Pursuant to the Court's Standing Order for Discovery in Civil Cases, the PI/SD Plaintiffs and Defendant Snap Inc. respectfully submit this letter brief regarding a dispute regarding the timeline for production of Quips.

Pursuant to the Discovery Standing Order and Civil Local Rule 37-1, the Parties attest that they repeatedly met and conferred by video conference, correspondence, and telephone before filing this brief. The final conferral was held on January 6, 2025 via videoconference and was attended by lead trial counsel for the Parties involved. Lead trial counsel have concluded that no agreement or negotiated resolution can be reached.

Dated: January 14, 2025

Respectfully submitted,

/s/ Lexi J. Hazam

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Attorneys for Defendant Snap Inc.

Plaintiffs' Position

This dispute concerns Snap's continuing failure to produce tens of thousands of highly relevant documents by the Court-ordered substantial completion deadline. More than 70 days past substantial completion, Snap has yet to produce most of these documents, will not agree to a reasonable production schedule, and cannot even ensure these documents are produced reasonably in advance of scheduled depositions of particular document custodians. The Court should order a production schedule and impose penalties on Snap for its disregard for this Court's orders.

After numerous conferrals, Snap agreed to produce Quips, a non-custodial source it first identified in Fall 2023. Quip is used primarily by Snap product managers to discuss feature development and changes. Although Quip is non-custodial, every individual with access to the documents is identified, allowing Snap to collect the source by custodian. According to Snap, Quip is a central means for product managers to discuss changes to platform features.

Snap did not produce any Quips by the Court-ordered substantial completion date of November 5. Less than a week before two product manager depositions scheduled in December, Snap first disclosed its failure to timely produce Quips and stated that it would be unable to produce relevant Quips before these December depositions, necessitating adjournments. Plaintiffs demanded that Snap produce Quips related to the two deponents by December 20. Snap refused.

On January 3, 2025, less than one week prior to the deposition of former product manager Alex Osborne, Snap produced over 400,000 pages of Quips. On January 8, two days prior to Mr. Osborne's deposition, Snap produced another 8100 Quips in which Osborne was a participant. Snap reported that it had only produced 64% of the Quips in which Mr. Osborne was a participant.

This is extremely disruptive and no end is in sight. After Snap's January 3 production, Plaintiffs had to pull six attorneys to triage review, moving them from prep for other witnesses scheduled for January depositions. Even worse, this will likely continue because Snap is not close to substantial completion of Quips, will not provide Plaintiffs with estimates of the volume to come, and will not agree to a concrete production schedule.¹

Snap claims it will "aim" to produce Quips in which a witness was a participant seven days before the witness's deposition. But the Osborne example suggests otherwise; seven days before Mr. Osborne's deposition, Snap had produced none of his Quips and two days before the deposition, it had completed less than two-thirds of his participant Quips. Snap's failure to live up to its Court-ordered production obligations has required Plaintiffs to disrupt their workflow to scramble and quickly review untimely, large productions on the eve of deposition. And Plaintiffs cannot postpone these depositions and still manage to complete fact discovery by April 5.

The Court's deadlines must have meaning and it is prejudicial for Plaintiffs to disrupt their workflow and divert resources to account for Snap's unreasonable and untimely productions. Accordingly, Plaintiffs request that the Court (i) order Snap to substantially complete production of all responsive Quips on or before January 24, and (ii) reimburse Plaintiffs for the costs associated with devoting additional personnel to review and process Snap's untimely Quips production.

¹ Snap has also failed to substantially complete production of at least six other important data sources and has failed for months to produce over 300 hyperlink requests. The failure to produce these additional sources only compounds the prejudice from Snap's failure to produce Quips.

Snap's Position: Quip is a collaborative productivity software that Snap uses primarily for privacy and legal review of new feature development. Snap has devoted extensive resources to conduct a time-consuming and burdensome collection, review, and production of tens of thousands of Quips records. To date, Snap has produced over half of the Quips records, and has committed to producing all Quips authored and/or edited by deponents ("participant Quips") in advance of all upcoming depositions, to making rolling productions, and to substantially completing its Quips production by February 15. Plaintiffs have suffered no prejudice, and their demands are extreme and unwarranted under the circumstances.

Snap began working to collect Quip data as soon as it concluded negotiating a collection and search approach with Plaintiffs. But because negotiations did not conclude until early October, it was not feasible for Snap to substantially complete production within a month. Snap had never previously exported large volumes of Quips, so the collection work alone was time-consuming, and it resulted in a population of 3.2 million Quips. Applying search terms resulted in 157,000 Quips—many of which are 30-50 pages long—which Snap has been reviewing as expeditiously as possible, including conducting a difficult privilege review given attorneys' involvement in many Quips.

Through January 14, Snap has produced nearly 36,000 Quips and expects to produce roughly 33,000 more, and it anticipates producing an additional 8,500 records later this week.² Snap has devoted over 100 reviewers to this effort and has committed to producing participant Quips for each deponent at least a week in advance of the deposition. Plaintiffs' assertions are flat wrong: Snap produced all participant Quips for Mr. Osborne a week ahead of this deposition.³ And Snap identified for Plaintiffs the Bates numbers of Mr. Osborne's participant Quips on January 6 so that Plaintiffs could easily prioritize those records for review. Snap has also provided ongoing updates as to the status of its upcoming productions.

Plaintiffs have not, and cannot, identify any prejudice from the rate of Snap's Quips production. Moreover, Quip is just one of the many data sources from which Snap has already substantially completed its productions, having produced over 420,000 records to date, including extensive data for all upcoming deponents. Snap expects to substantially complete its Quips productions in advance of the majority of remaining depositions, but it is not feasible to do so on the schedule Plaintiffs request. Plaintiffs' request for discovery sanctions against Snap is unjustified, especially considering Plaintiffs' own discovery delays and unsupported by any authority.⁴ *In re Telescopes Antitrust Litig.*, 2022 WL 3590342, at *3–4. (N.D. Cal. Aug. 22, 2022) (rejecting imposition of sanctions under Rule 37 in response to delay in production).

² Roughly 79% of the Quips consist of embedded content (e.g., images) produced as separate attachments, but which are duplicative of content in the body of the document.

³ Plaintiffs conflate participant Quips (defined above) with the Quips collected for each custodian, which is any Quip to which an employee had access, including many for which there is no indication that the employee ever interacted with or even saw the Quip.

⁴ For instance, the School District Plaintiffs have repeatedly delayed production of documents and have failed to produce a significant volume for documents for over a dozen custodians and numerous non-custodial sources.

ATTESTATION

I, James Bilsborrow, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: January 14, 2025

By: /s/ James Bilsborrow